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2 March 1977

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MEMORANDUM FOR: [Redacted]

SUBJECT : Comments on PRM-11 for Admiral Turner

REFERENCE : ICS-77-2122 dtd 1 March 1977

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1. The following quick comments are keyed to PRM-11 and cast in the general format of issues, new approaches, and pros and cons. On a number of the subparagraphs of PRM-11, I do not have any terribly relevant or constructive thoughts. On the other hand, I hope my quick comments on those issues I have been closer to will be useful to you in pulling together the memo for Admiral Turner.

Paragraph 1, subparagraphs 1 and 2: "legal sanctions-----" and "legislation that both protects the civil rights-----"

Presumably the Attorney General in carrying forward his considerations under these two headings can also be encouraged to focus on the balance between proper oversight while at the same time insuring to the maximum extent possible that operational initiatives are not stifled. The Agency in the past has been free wheeling, but I think in the main, creative and effective in its operations. It is quite proper that the creativity in the past, which from time to time led to unfortunate excesses, be controlled and subject to more stringent review and thorough oversight. Nonetheless, oversight and management pressures can lead to a much less effective operation than the President and probably Congress wants and needs in the future.

Paragraph 1, subparagraph 3: "the need for statutory charters for all foreign intelligence agencies". The principal agencies served in this regard would no doubt be CIA, DIA, NSA, INR and NRO.

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CIA. Amendments to National Security Acts of 1947-1949 are clearly needed. As the legislative history associated with these two acts indicates, the problems, perceptions and biases of the late 40's are very different from the current times. As a practical matter, almost everything the Agency does today falls under the heading of "special duties as assigned." The two acts do not even provide a clear base for CIA analytical functions. Although legislative history seems to indicate a somewhat broader intention, the specific language in the laws speaks of coordination of intelligence as opposed to analysis and production.

A major gap in these statutes is a lack of a clear definition of the war time responsibility of the Agency in relation to the DoD.

There is a judgment that needs to be made on whether to press for amendments to the acts, or whether to rely on the executive order mechanism, or a mix of both. I think, particularly in this day and age, one can press for establishing the place of the Agency using statutory means. I think both the mood of the country and the mood of Congress indicates a fair chance of a constructive debate and appropriate amendments to the two laws. On the other hand, there is the perennial balance between openness and security. There is also always the worry of the heavy hand of politics and the tremendous workload carried by Congress getting in the way of a proper and carefully considered action. These considerations would argue in favor of a strong executive order approach and no major legislative adjustments.

DIA and INR are somewhat different. Neither of these organizations have an explicit statutory base, but nonetheless they are elements of departments whose missions require the functions performed by DIA and INR. There is little question about the appropriateness of the functions of these two elements, and there appears to be no need for statutory charters. At the same time, it might be useful and appropriate to define more explicitly what these functions are by using the authority of the President through the executive order mechanism. An argument can be made that an executive order might be appropriate and perhaps even essential as part of structuring the Intelligence Community as an integrated unit under the overall authority of the DCI. On the other hand, if the President does not want the DCI to exercise this Intelligence Community management authority, such executive orders would probably be unnecessary.

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NSA and NRO are in still a different category. While both organizations are embedded in a statutory department, they are clearly national organizations. NSA was originally established by an executive order which is badly outdated, and at a minimum, needs to be recast in the current context. [REDACTED]

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[REDACTED] In the case of the NRO, an executive order or at least a National Security Council Directive is essential. If either or both of these organizations are to be removed from the Department of Defense and attached in some way to the DCI, a statute would probably be required either in the form of an amendment to the 1947 act or a separate act providing a statutory base giving these organizations the authority to operate and expend appropriated funds. At the same time legislative action poses a number of problems. Among these, but not necessarily the only one, is the question of security. I do not believe it is practical for Congress to pass a law with a substantial classified content. On the other hand, an unclassified statute establishing either NSA or NRO as separate operating agencies may suffer from excessive generality and therefore prove to be an inadequate base for these organizations. However, perhaps even these problems can be worked out with Congress depending upon how relaxed the President chooses to be on the questions of security.

Paragraph 2, subparagraph 1: "planning, evaluating and improving the Intelligence Community performance."

Presumably this subparagraph is speaking to the questions of investment of resources, both people and money in the National Foreign Intelligence Program.

The major issues here are of critical importance and difficulty. First there is the question of how best to tune the resource allocation process to the unique requirements of the intelligence process. Second, there is the question of the fundamental uncertainty of intelligence, both because of the unpredictability of problems and the unpredictability of opportunities to collect information. Third, there is the very difficult issue of establishing what level of performance the President wants from the Intelligence Community. To further complicate this issue, there is the fundamental problem of even defining what "performance" means in this context. Fourth, there is the question of how best to manage the relatively high quality and in the aggregate relatively small community of people and resources involved in the National Foreign Intelligence Program. 25X1

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There are few if any relevant models to draw on in considering the above issues. I think for example, that all would agree that models derived from the DoD would not work and in general are inappropriate. The hardware development and procurement for intelligence purposes has been handled very differently from the way DoD handles its hardware activities, and it is essential that this difference be maintained. Business models are equally inapplicable. While it is true that large corporations, many of which are much larger in terms of assets than the Intelligence Community, live in uncertain environments and have many difficult decisions to make; in the final analysis, business has a clean objective measure of performance--profitability. Such clean measures are not available in the intelligence business and we should not seek to artificially create such measures.

Paragraph 2, subparagraph 2: "identifying intelligence requirements and tasking all sources"

One issue here is the issue of how an intelligence requirement should properly be generated. Ideally one would like to presume that the users of intelligence generate these requirements. As a practical matter, this has not happened in the past at least in a broad and continuous manner, and is not likely to happen in the future. The Intelligence Community tends to generate its own requirements and hope that the needs of the various users have been at least approximately perceived. One fundamental problem in this process is that producers of intelligence, for a variety of reasons, frequently do not have adequate insight on the problems the users of intelligence are in fact facing at any point in time and what these users will do with intelligence information provided to them.

With regard to the tasking of intelligence resources, there is one issue which should be addressed and resolved concerning the relationship between the users of collected data and information; i.e., the analytical and production segments of the Intelligence Community, and the managers of the collection activities. There is now no uniform way of handling this process in the community at large. There may be no driving reason to force a uniform mechanism in this regard. There is a tendency in some areas to accumulate requirements from analytical components, collate them, aggregate them and prioritize them at a single point in the system and then disperse them to collection managers for action. In other areas, collectors are loosely coupled to analytical elements and rely largely on their own judgment on collection priorities. Frequently a given

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collection system has the capability to collect only one or a few types of information and the managers are faced with the single challenge of doing so efficiently within the resources allocated to them. Sometimes this works well and sometimes it does not. There are two basic models which can be considered, one characterized by a centralized collection of requirements as its primary characteristic and the other characterized by a more decentralized process. In the second case, the collection system manager must have people knowledgeable of intelligence problems embedded in his operation. In fact the best situation may well turn out to be a mix of those two approaches.

Paragraph 2, subparagraph 3: "processing, analyzing, producing and distributing-----"

This subparagraph seems to be speaking to the analytical and intelligence production process.

The warning and crises support ingredients reduce themselves to the simple issue of how much performance the President, Congress and other senior officials in the Government desire of the Intelligence Community on these two problem areas. The first issue is the level of resource to be expended. The second issue is the problem of insuring that all the resources which bear on these two areas and the associated elements of the analytical community are arranged in a fashion which permit timely and accurate response. There are many alternative arrangements. These two areas certainly deserve careful consideration in that they are perhaps the two highest priority activities in intelligence.

Current intelligence has some of the features of crises support and warning intelligence, but without the elements of criticality and essentiality.

Estimative intelligence and the associated net assessments are difficult problems for the analytical community in that in the final analysis difficult judgments are almost always involved. There is one issue here concerning the level of redundancy or parallel and duplicative analytical activities that need to be supported so as to insure that biases or implicit assumptions do not drive conclusions in a hazardous or inappropriate direction. Certainly the President needs some level of parallelism in this area given the difficulties of the problem and the criticality of the conclusions.

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The net assessment process is straightforward given that the estimative process is working well. Both have the underlying problem of judging the intentions of a foreign and more or less inaccessible government. Intelligence can usually do a good job of building a factual base and estimating capabilities, but beyond that the question of intentions almost always must be based on inferences and judgments.


Paragraph 2, subparagraph 4: "evaluating intelligence production performance"

The key issue in this case is establishing a basis for evaluating. Who should do this evaluation, what criteria should be used in this evaluation, and what purpose the evaluation is intended to serve are all key questions which need treatment.

Paragraph 3. Subparagraphs in this paragraph are comprehensive and cover all the key questions. The SCC's charge is difficult but of great importance. The first step that will have to be addressed here is one of finding a process for addressing all of the questions raised and at the same time producing credible and competent results by the first of June.

The attachment under Tab C, the draft outline for DCI's response to the charge of PRM-11, impresses me as being comprehensive and complete. One could restructure it in different ways, but I can find no major problems with the draft outline in its current form.

2. I hope the above hastily drafted material gives you some useful thoughts as you pull together the response Admiral Turner has requested. Please do not hesitate to call on me if I can help in any way with this or resulting actions in the upcoming months.


LESLIE C. DIRKS
Deputy Director
for
Science and Technology

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